

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
District Department of the Environment



Office of the Director

October 1, 2009

The Honorable Adrian M. Fenty  
Executive Office of the Mayor  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, D.C. 20004

The Honorable Mary M. Cheh  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Suite 108  
Washington, DC 20004

**Re: Achievement of SEU Timeline According to the Clean and Affordable  
Energy Act of 2008**

Dear Mayor Fenty and Councilmember Cheh:

I am writing this letter with regard to the Clean and Affordable Energy Act of 2008 ("CAEA") and the Sustainable Energy Utility ("SEU") Advisory Board. The CAEA required the Advisory Board to be appointed by November 14, 2008,<sup>1</sup> and the Board to recommend performance benchmarks for the SEU contract by April 29, 2009.<sup>2</sup>

The appointment of the SEU Advisory Board members was completed on August 11, 2009, and the Board met shortly thereafter, on August 31, 2009. In addition, two specific milestones were met without delay. The SEU Branding and Website was completed on schedule on December 30, 2008 and the Renewable Energy Incentive Program (REIP) was launched within ten days of the proposed date of February 13, 2009.

During the short period of time since being appointed, the Advisory Board has taken several significant steps towards moving forward with selecting the SEU. The Board has established an ambitious schedule for itself, with members attending bi-weekly meetings of the full Board, and multiple meetings in between of subcommittees and working groups. Subcommittees are addressing the development of SEU performance measures, and contract

<sup>1</sup> Pursuant to CAEA Section 204(a).

<sup>2</sup> Pursuant to CAEA Section 204(c).



execution issues in association with the SEU structure. A working group formed to draft by-laws has already concluded its work, inasmuch as the full Board on September 28, 2009 adopted by-laws.

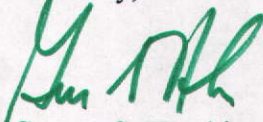
The Board hopes to speed up the implementation of the CAEA by learning from successful energy efficiency initiatives elsewhere in the country. Specifically, the Board is examining the approaches taken by other jurisdictions, such as Delaware and Vermont, that already have functioning SEUs, including meeting with representatives from those jurisdictions. With regard to the completion of the Request for Proposals (RFP) for the SEU, the drafting of the RFP by DDOE consultants is progressing in parallel to the work of the Advisory Board. In addition, DDOE has sought the advice and expertise of the private sector by organizing "Green Energy DC Industry Day" which was held on September 15, 2009, an event that was attended by 87 industry participants.

The Board is working assiduously to meet the deadlines set forth in the CAEA. However, the Board is exploring developing benchmarks that would, for example, depend upon baseline energy consumption, but those data are not yet in the Board's possession. The performance benchmarks are key components of the SEU RFP, and they determine the success of the SEU. The Board is therefore of the opinion that the crucial development of performance measures, which is essential for the proper management of the SEU, may require additional time. However, the Board has moved with all haste towards procuring the necessary data, and accomplishing this task in a timely manner.

Accordingly, for all the reasons discussed herein, the Board anticipates that some of the deadlines set forth in the CAEA may prove to be unattainable. We will of course be pleased to continue to update the Council as to the Board's progress.

Should you have any questions, please contact Bicky Corman, General Counsel of DDOE at (202) 535-1951.

Sincerely,



George S. Hawkins, Esq.  
Director